

Message Text

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ACTION SCS-05

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FOR SCS

E. O. 11652: N/A
TAGS: CARR
SUBJ: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD

REF: STATE 147704

ANSWERS TO QUESTIONS IN REFTEL:

A. LEGAL COUNSEL PROVIDED TO NEEDY ARRESTEES IS IN THE FORM OF
LEGAL AID RATHER THAN QTE PUBLIC DEFENDER UNQTE. AUSTRALIAN
LEGAL AID OFFICE PROVIDES COUNSEL FOR THOSE ARRESTED ON COMMON-
WEALTH (FEDERAL) CHARGES. THE LAW SOCIETY OF WESTERN AUSTRALIA
LEGAL AID COMMITTEE DEALS WITH STATE CHARGES. IF BOTH
STATE AND COMMONWEALTH CHARGES ARE INVOLVED, AUSTRALIAN LEGAL
AID TAKES PRECEDENCE.

B. SUCH AID IS READILY AVAILABLE TO THOSE WHO CAN PROVE THEIR
NEEDS THROUGH A MEANS AND NEEDS TEST, WHICH IS A FLEXIBLE BUT
OBJECTIVE TEST OF ABILITY TO PAY. IN SOME CASES AID IS ONLY
SUPPLIED IF A GUILTY PLEA IS ENTERED, DEPENDING ON THE MERITS OF
THE CASE AS REVIEWED BY THE COMMITTEE.

C. QUALITY OF LAWYERS IS THE SAME AS IN PRIVATE PRACTICE, SINCE
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THE SAME LAWYERS ARE INVOLVED. BOTH SENIOR AND JUNIOR LAWYERS
ARE INVOLVED AND ARE CHOSEN FOR A CASE BASED ON IT S LEVEL OF
DIFFICULTY. THESE LAWYERS ARE ACTUALLY PAID FOR THESE SERVICES
BY THE LEGAL AID OFFICE AND THERE IS NO QUESTION THEREFORE OF
SERVICES BEING INFERIOR IN QUALITY BECAUSE THEY ARE FREE.
MAYFIELD

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